

## **REMARKS**

### **Claim Amendments**

By the present amendment, claims 39, 40, 42, 47, 48, and 63-66 have been amended. Claims 71 and 76 have been canceled. Claims 77-80 have been added. Claims 39-70, 72-75, and 77-80 are pending and under current examination. No new matter has been added.

### **Office Action**

Applicants respectfully traverse the rejections and objection in the Office Action, which:

- (a) rejected claims 39-42, 45-47, and 63-65 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent App. Pub. No. 2004/0008965 ("*Betty*") in view of U.S. Patent App. Pub. No. 2004/0052491 ("*Otake*");
- (b) rejected claims 43 and 44 under 35 U.S.C. § 103(a) as being unpatentable over *Betty* in view of *Otake* and U.S. Patent No. 5,309,532 ("*Chang*");
- (c) rejected claims 58, 60, and 61 under 35 U.S.C. § 103(a) as being unpatentable over *Betty* in view of *Otake* and U.S. Patent No. 5,764,765 ("*Phoenix*"); and
- (d) rejected claims 66-72 and 74-76 under 35 U.S.C. § 103(a) as being unpatentable over *Betty* in view of *Otake* and U.S. Patent No. 5,778,113 ("*Yu*"); and
- (e) objected to claims 48-57, 59 and 62 as being dependent upon a rejected base claim, but indicated that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **Allowable Subject Matter**

Applicants acknowledge with appreciation the Examiner's indication that claim 48-57, 59 and 62 contain allowable subject matter. *See* Office Action, p. 9. In response, Applicants have rewritten claim 48 in independent form including all of the features of the base claim and all intervening claims. Claims 49-57 are believed to be allowable for their dependency from claim 48, and for the additional features recited therein. For the reasons discussed below, independent

claim 39 as amended is believed to be allowable over the cited references. Therefore, Applicants respectfully decline to rewrite dependent claims 59 and 62 depending therefrom in independent form, and request withdrawal of the objection.

**Rejection of Claims 39-42, 45-47, and 63-65 under 35 U.S.C. § 103(a)**

The Examiner has rejected claims 39-42, 45-47, and 63-65 under 35 U.S.C. § 103(a) as being unpatentable over *Betty* in view of *Otake*. Applicants believe that this rejection has been addressed and overcome by the present amendment.

The Examiner's attention is respectfully directed to the following portion of claims 39 and 63 as amended:

a peak to peak amplitude of the first modulation voltage being different from a peak to peak amplitude of the second modulation voltage.

Applicants submit that at least the above feature of claim 39 as amended is not taught by *Betty* or *Otake*, alone or in combination.

Referring to page 10 of the Office Action, the Examiner stated in his reasons for allowance of claim 73 that

In the examiner's opinion it would not have been obvious to one of ordinary skill in the art at the time the invention was made to make the peak to peak amplitude of a first modulation voltage different from the peak to peak amplitude of a second modulation voltage in method for modulating the intensity of a light beam so as to reduce[] the attenuation loss of a modulated optical light beam.

Applicants respectfully submit that this statement regarding claim 73 is similarly applicable to claims 39 and 63. As such, claims 39 and 63 are believed to be allowable, and the Examiner is requested to withdraw his rejection thereof, as well as his rejection of claims 40-42 and 45-47 depending from claim 39, and claims 64 and 65 depending from claim 63.

**Remaining Rejections under 35 U.S.C. § 103(a)**

Applicants request reconsideration and withdrawal of the remaining rejections of claims 43, 44, 58, 60, 61, 66-72 and 74-76 under 35 U.S.C. § 103(a) as being unpatentable over *Betty* in view of *Otake*, *Chang*, *Phoenix*, or *Yu*.

By the present amendment, claims 71 and 76 have been canceled in view of the amendment to claim 63 from which they depended. As such, the Examiner's rejections thereof are moot.

As discussed above, independent claims 39 and 63 are believed to be allowable for reciting at least one feature that the Examiner has indicated is disclosed by "none of the prior art either alone or in combination". As such, the Examiner is requested to withdraw his rejection of claims 43, 44, 58, 60 and 61 depending from claim 39, as well as claims 66-70, 72, 74 and 75 depending from claim 63.

**New Claims 77-80**

By the present amendment, claims 77-80 have been added. Claims 77 and 78 recite features that were previously recited in claim 39, from which they depend. Claims 79 and 80 recite features that were previously recited in claim 63, from which they depend. Claims 39, 40, 42, and 63-66 have been amended in consequence.

Claims 77-80 are believed to be allowable at least for their dependence from claim 39 or 63.

**Conclusion**

Applicants respectfully request reconsideration of the application and withdrawal of the rejections and objection. The pending claims are in condition for allowance, and Applicants request a favorable action.

The Office Action contains a number of statements reflecting characterizations of the cited references and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any such statement or characterization.

If there are any remaining issues or misunderstandings, Applicants request the Examiner telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 504154.

Respectfully submitted,

MOSAID Technologies Incorporated

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By:           /Don MOLLICK/            
Don R. Mollick  
Reg. No. 28,972  
Telephone: (613) 599-9539  
Facsimile: (613) 591-8148